



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	HB0216	Title:	Increase penalty for felony DUI
Primary Sponsor:	Menahan, Mike	Status:	As Introduced

- | | | |
|-----------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$16,739	\$284,463	\$567,547
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>\$0</u>	<u>(\$16,739)</u>	<u>(\$284,463)</u>	<u>(\$567,547)</u>

Description of fiscal impact:

This bill would increase the penalty for both first-time felony DUI and second or subsequent felony DUI charges. A negative fiscal impact to the general fund will result from longer prison stays.

FISCAL ANALYSIS

Assumptions:

1. Punishment for a first-time felony DUI will increase from 13 months DOC commit to three years DOC commit both followed by up to five years suspended. Annually, DOC receives 229 first-time felony DUI offenders.
2. A longer sentence will result in increased probation and parole caseloads of 229 offenders each year but, because offenders are already on probation for up to a five year suspended sentence and serve an average of two years, this increase will not occur until FY 2015. Additional costs may include additional probation and parole officers and increased contract costs with chemical dependency counselors in the community.
3. Typically, offenders convicted of first-time felony DUI serve six months in the WATCH DUI treatment facility and serve the remainder of the 13 month sentence on probation.

4. Currently, 28 offenders are not accepted into the WATCH DUI treatment program each year. Fourteen of those offenders (or 50%) do not attend the WATCH program because they do not have enough time remaining on their sentence, after the sentence is reduced by jail time credit, to complete the six month program. The remaining 14 offenders are denied by the WATCH programs' screening committees which examine the criminal history of all offenders applying to the program. Offenders may be denied if certain types of past offenses make them too high of a risk for the community corrections program.
5. The 14 offenders currently serve a 13 month sentence in prison. Under this bill, felony DUI offenders are sentenced to an additional 36 months. This 36 month sentence is reduced by the 13 month current sentence as well as an average of eight months for jail time served resulting in a net of 15 additional months in prison. An additional 15 months in prison at \$91.97/day equals an increase in cost of \$16,739 for FY 2011. In FY 2012, the total cost of \$284,463 is based on 14 offenders entering prison at a staggered rate (ex. one offender enters prison in September, another one offender in October, one in November, compiling to 14) at \$91.97/day. In FY 2013, the total cost of \$567,547 is based on 14 new offenders entering prison at a staggered rate at \$91.97 per day. The calculation also accounts for the first offenders leaving prison at staggered rate, after serving the 15 month sentence. Because these offenders currently serve 13 months in prison and the average amount of time from offense to conviction is 8 months, additional fiscal impact will not occur until April of FY 2011.
6. Annually, 18 offenders are convicted of a second or subsequent felony DUI after attending the WATCH DUI program. On average, these offenders are already sentenced to three years so DOC would not see any additional fiscal impact. However, sentence length depends on the sentencing jurisdiction, if the offender is currently on probation, and whether the sentencing jurisdiction is cognizant of the alternate sentencing scheme for DUI offenders who have attended WATCH.

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$0	\$16,739	\$284,463	\$567,547
<u>Funding of Expenditures:</u>				
General Fund (01)	\$0	\$16,739	\$284,463	\$567,547
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$0	(\$16,739)	(\$284,463)	(\$567,547)

Sponsor's Initials

Date

Budget Director's Initials

Date